

REMARKS

Claims 10, 12, 16, and 23-24 are being cancelled without any prejudice or disclaimer to the subject matter expressed therein.

Additionally, claims 11, 13, 17, 21, 25, and 26 are currently being amended. The amendments herein do not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, entry of the amendments is respectfully requested.

1. Objection to Claim 10

Applicant has cancelled claim 10 rendering the objection thereto moot. Accordingly, Applicant respectfully requests the Examiner to withdraw the instant objection.

2. Rejection of Claims 10, 13-15, 17, 19, 21, 23, and 25 Under 35

U.S.C. §103(a) over Dohring, et al. in view of Mihan, et al.

Claims 10 and 23 have been cancelled rendering the rejection thereof moot. With respect to claims 13-15, 17, 19, 21, and 25, Applicant respectfully traverses the rejection of the aforementioned claims as being unpatentable over Dohring, et al., Organometallics 2000, 19, 388-402 (herein referred to as "Dohring, et al.") in view of U.S. patent application publication 2004/0242880 (herein referred to as "Mihan, et al.").

Obviousness:

The U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under §103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of non-obviousness.

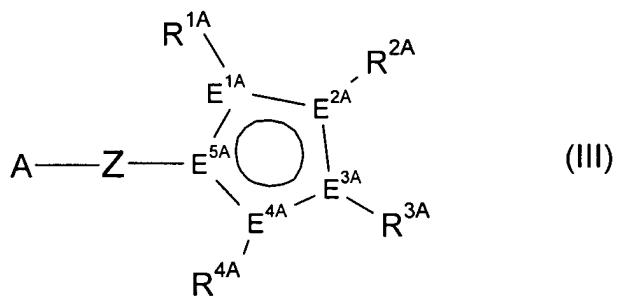
Accordingly, for the Examiner to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2142.

First and foremost, Applicant respectfully notes the instant rejection states the Examiner is relying on Dohring, et al. in view of DE 10028432, which is equivalent to U.S. patent application publication 2004/0242880. However, DE 10028432 is equivalent to U.S. patent application publications 2004/033890 and 2003/176275, and not U.S. patent application publication 2004/024880 as cited by the Examiner. Accordingly, Applicant will assume the Examiner is relying on U.S. patent application publication 2004/0242880, which

claims priority to DE 10145453.8. However, if Applicant's assumption is wrong and/or if the current rejection is maintained, Applicant respectfully requests the Examiner to clarify which document is being relied upon.

With respect to the instant rejection, Applicant respectfully believes Dohring, et al. fails to disclose, teach, or suggest Applicant's currently claimed monocyclopentadienyl complexes comprising formula Cp-Z-A-M^A (II), where:

Cp-Z-A is

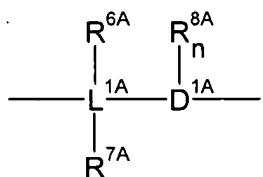


E^{1A}-E^{5A} are each carbon;

R^{1A}-R^{4A} are each, independently of one another, hydrogen, a C₁-C₂₂-alkyl, a C₂-C₂₂-alkenyl, a C₆-C₂₂-aryl, an arylalkyl comprising from 1 to 10 carbon atoms in the alkyl part and 6-20 carbon atoms in the aryl part, or SiR^{5A}₃, where R^{1A}-R^{4A} optionally can be substituted by at least one halogen and two vicinal R^{1A}-R^{4A} optionally can be joined to form a five-, six- or seven-membered ring;

R^{5A} are each, independently of one another, hydrogen, a C_1-C_{20} -alkyl, a C_2-C_{20} -alkenyl, a C_6-C_{20} -aryl, an arylalkyl comprising from 1 to 10 carbon atoms in the alkyl part and 6-20 carbon atoms in the aryl part, or two geminal R^{5A} optionally can be joined to form a five- or six-membered ring;

Z is a divalent bridge between A and Cp and is



L^{1A} is carbon, silicon or germanium;

D^{1A} is an atom of group 15 or 16 of the Periodic Table of Elements;

n is 0 when D^{1A} is an atom of group 16, and is 1 when D^{1A} is an atom of group 15;

$R^{6A}-R^{8A}$ are each, independently of one another, hydrogen, a C_1-C_{20} -alkyl, a C_2-C_{20} -alkenyl, a C_6-C_{20} -aryl, an arylalkyl comprising from 1 to 10 carbon atoms in the alkyl part and 6-20 carbon atoms in the aryl part, or SiR^{9A}_3 , where $R^{6A}-R^{8A}$ optionally can be substituted by at least one halogen and

two geminal or vicinal R^{6A}-R^{8A} optionally can be joined to form a five- or six-membered ring;

R^{9A} are each, independently of one another, hydrogen, a C₁-C₂₀-alkyl, a C₂-C₂₀-alkenyl, a C₆-C₂₀-aryl or an arylalkyl comprising from 1 to 10 carbon atoms in the alkyl part and 6-20 carbon atoms in the aryl part, a C₁-C₁₀-alkoxy or a C₆-C₁₀-aryloxy, or two R^{9A} optionally can be joined to form a five- or six-membered ring;

A is an uncharged donor group comprising at least one atom of group 15 and/or 16 of the Periodic Table of Elements and is an unsubstituted, substituted or fused, heteroaromatic ring system or a carbene; and

M^A is chromium, molybdenum, or tungsten.

Additionally, Applicant respectfully believes Mihan, et al. does not remedy the deficiencies of Dohring, et al., nor would one having ordinary skill in the art been motivated to modify Dohring, et al. and/or Mihan, et al. to arrive at Applicant's currently claimed monocyclopentadienyl complexes.

Therefore, in light of the above, Applicant respectfully believes claims 13-15, 17, 19, 21, and 25 are patentably distinct from Dohring, et al. in view of Mihan, et al. As such, Applicant respectfully requests the Examiner to withdraw the instant

rejection.

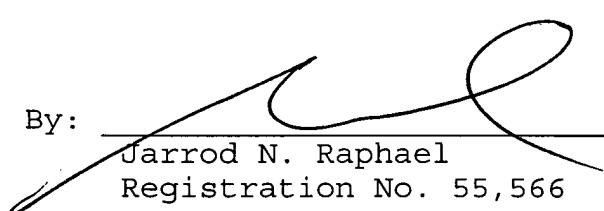
CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the references of record. The Examiner is therefore respectfully requested to reconsider and withdraw all the rejections, and allow pending claims 11, 13-15, 17-22, and 25-26. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner with any questions or comments.

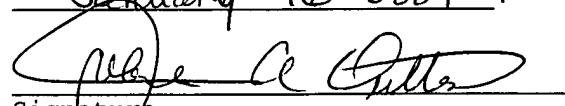
Respectfully submitted,

By:


Jarrod N. Raphael
Registration No. 55,566
Customer No. 34872

Date: January 15, 2009
Delaware Corporate Center II
2 Righter Parkway, Suite 300
Wilmington, Delaware 19803
Telephone No.: 302-683-8176
Fax No.: 302-731-6408

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Signature

January 16 2009
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